

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

RAHMEL COLLINS ,

-x Index No.:

Date Purchased _____

Plaintiff,

VERIFIED COMPLAINT

-against-

CITY OF NEW YORK, POLICE DEPARTMENT
OF THE CITY OF NEW YORK, P.O. RICARDO
BOCACHICA SH.# 20464 and other UNNAMED
P.O./DETS OF THE NEW YORK CITY POLICE DEPARTMENT.,
Defendants.

-x

PLAINTIFF, RAHMEL COLLINS complaining of the defendants through his attorney,
BRUCE D. KLEIN, ESQ., respectfully alleges upon information and belief as follows:

AS AND FOR A FIRST CAUSE OF ACTION

1. At all times mentioned, Plaintiff, RAHMEL COLLINS was a resident of Bronx County in the City and State of New York.

2. At all times hereafter mentioned, Defendant, the CITY OF NEW YORK, was and is a domestic municipal corporation, organized and existing under and by virtue of the laws of the State of New York.

3. On or about the 8th day of December, 2006, and within ninety (90) days after the claims herein arose, the Plaintiff caused a Notice of Claim in writing, sworn to by or on behalf of the claimant, to be served upon the Defendants, CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, P.O. P.O. RICARDO BOCACHICA, SH.# 20464, and other UNNAMED P.O./DETS OF THE NEW YORK CITY POLICE DEPARTMENT., by delivering a copy thereof, in duplicate, to the officer designated to receive such process by certified mail return receipt, which Notice of Claim set forth the name and post office address of the claimant and claimant's attorney, the nature of the claim, the time when, the place where, and the manner in which the claim arose and items of damage or injury claimed to have been sustained, so far as then practicable.

4. At least thirty (30) days have elapsed since the service of the claim prior to the commencement of this action and adjustment or payment thereof has been neglected or refused, and this action was commenced within one year and ninety (90) days after the happening of the event upon which the claims are based.

5. At all times mentioned, the Defendants, POLICE DEPARTMENT OF THE CITY OF NEW YORK, was and is an agency of the Defendant, CITY OF NEW YORK.

6. Upon information and belief, at all times mentioned, Defendants, P.O. RICARDO BOCACHICA SH.# 20464, and other UNNAMED P.O./DETS OF THE NEW YORK CITY POLICE DEPARTMENT., were and are police officers of the Defendant, POLICE DEPARTMENT OF THE CITY OF NEW YORK AND CITY OF NEW YORK, and at all times herein were acting in such capacity as the agent, servant and/or employee of the Defendants, POLICE DEPARTMENT OF THE CITY OF NEW YORK AND CITY OF NEW YORK.

7. On or about October 4, 2006, at approximately 4:35 P.M. in the vicinity of Dekalb Avenue and East 208th Street, Bronx County, City and State of New York, the Defendants jointly and severally in their capacity as police officers, wrongfully touched, and grabbed the Plaintiff RAHMEL COLLINS about his person, causing him physical pain and mental suffering and rendering him unable to perform his usual duties and activities all to his damage and detriment. At no time did the Defendants have legal cause to grab, or touch the Plaintiff, nor did the Plaintiff consent to this illegal touching nor was it privileged by law.

AS AND FOR A SECOND CAUSE OF ACTION

8. Plaintiff hereby incorporates, repeats, alleges and reiterates all of the allegations contained in Paragraphs "1" through "7" with full force and effect as if fully set forth herein at length.

9. On or about October 4, 2006 at approximately 4:35 P.M. in the vicinity of Dekalb Avenue and East 208th Street, Bronx County, City and State of New York, the Defendants, jointly and severally did place the Plaintiff, RAHMEL COLLINS, in imminent fear of physical injury by their approaching the Plaintiff RAHMEL NCOLLINS with their outstretched limbs which they used to physically grab the Plaintiff. All of the above actions placed the Plaintiff, in

COLLINS.

AS AND FOR A FIFTH CAUSE OF ACTION

14. Plaintiff hereby incorporates, repeats, reiterates, and alleges all of the allegations contained in Paragraphs "1" through "13" with full force and effect as if fully set forth herein at length.

15. Upon information and belief, on or about October 4, 2006 and from that time until the dismissal of charges on October 10, 2006, Defendants P.O. RICARDO BOCACHICA SH.# 20464, and other UNNAMED P.O./DETS OF THE NEW YORK CITY POLICE DEPARTMENT.,deliberately and maliciously prosecuted the Plaintiff, and innocent man, without probable cause whatsoever, by filing or causing a criminal complaint to be filed in Bronx County Criminal Court of the City of New York for the purpose of falsely accusing the Plaintiff of violations of the Penal Law of the State of New York.

16. Defendant, P.O. RICARDO BOCACHICA. SH.# 20464, and other UNNAMED P.O./DETS OF THE NEW YORK CITY POLICE DEPARTMENT.,their agents, servants, and/or employees failed to take reasonable steps to stop the prosecution of the Plaintiff and instead maliciously and/or deliberately provided false and/or incomplete information to the District Attorney's office to induce prosecution of the Plaintiff.

17. The commencement of these criminal proceedings was malicious and begun in malice and without probable cause that the proceedings could succeed by the Defendants.

18. As a result of the malicious prosecution, Plaintiff was deprived of his liberty and suffered the humiliation, mental anguish, indignity, and frustration of unjust criminal prosecution.

AND AS FOR A SIXTH CAUSE OF ACTION

19. Plaintiff hereby incorporates, repeats, reiterates, and alleges all of the allegations contained in paragraphs "1" through "18" with full force and effect as if fully set forth herein at length.

imminent fear of physical injury. At no time did Plaintiff, RAHMEL COLLINS, consent to these unlawful actions of the Defendants.

AS AND FOR A THIRD CAUSE OF ACTION

10. Plaintiff hereby incorporates, repeats, alleges and reiterates all of the allegations contained in Paragraphs "1" through "9" with full force and effect as if fully set forth herein at length.

11. On or about October 4, 2006, at approximately 4:35 P.M. in the vicinity of Dekalb Avenue and East 208th Street, County of Bronx, City and State of New York, the Defendants, jointly and severally, without any arrest warrant, order, or other legal process and without legal right, wrongfully and unlawfully arrested Plaintiff, restrained him and his liberty, and then took him into custody to a police station in the County of the Bronx and there charged him with various crimes. The Plaintiff was thereafter held in police custody over the course of approximately twenty-four (24) hours before he was released by the Criminal Court Judge at the arraignment. At all times the Plaintiff was conscious of his confinement, the Defendants intentionally confined the Plaintiff without his consent and the confinement was not otherwise privileged by law.

AS AND FOR A FOURTH CAUSE OF ACTION

12. Plaintiff hereby incorporates, repeats, reiterates, and alleges all of the allegations contained in Paragraphs "1" through "11" with full force and effect as if fully set forth herein at length.

13. That by the Defendants illegally touching, seizing and arresting the Plaintiff, RAHMEL COLLINS as heretofore alleged, Defendant, P.O. RICARDO BOCACHICASH.# 20464 and other UNNAMED P.O./DETS OF THE NEW YORK CITY POLICE DEPARTMENT., acting in scope of their official duties as employees of the Defendants, POLICE DEPARTMENT OF THE CITY OF NEW YORK and CITY OF NEW YORK, intentionally, willfully and maliciously inflicted emotional distress on the Plaintiff, RAHMEL

20. Defendants CITY OF NEW YORK, and POLICE DEPARTMENT OF THE CITY OF NEW YORK were negligent in that it failed to exercise reasonable care in the hiring, employment and/or supervision of the Defendants P.O. RICARDO BOCACHICA SH # 20464 and other UNNAMED P.O./DETS OF THE NEW YORK CITY POLICE DEPARTMENT.,

21. Defendants CITY OF NEW YORK and POLICE DEPARTMENT OF THE CITY OF NEW YORK were negligent in that prior to and at the time of the acts complained of herein, due to the prior history of the Police Officers Defendants, knew or should have known of the vicious propensities and bad disposition of Defendants, P.O. RICARDO BOCACHICA, SH.# 20464 and other UNNAMED P.O./DETS OF THE NEW YORK CITY POLICE DEPARTMENT., or had knowledge of facts that would put a reasonable prudent employer on inquiry concerning their vicious propensities, bad disposition and not to employ officers of such vicious propensities.

AS AND FOR A SEVENTH CAUSE OF ACTION

22. Plaintiff hereby incorporates, repeats, reiterates, and alleges all of the allegations of Paragraphs "1" through "21" with full force and effect as if fully set forth herein at length.

23. Defendants P.O. RICARDO BOCACHICA SH.# 20464 and other UNNAMED P.O./DETS OF THE NEW YORK CITY POLICE DEPARTMENT., were at all times relevant, duly appointed and acting officers of the Defendant NEW YORK CITY POLICE DEPARTMENT.

24. At all times mentioned herein said police officers were acting under color of law, to wit, the statutes, ordinances, regulations, policies and customs and usage of the State of New York and /or the City of New York.

25. Plaintiff, RAHMEL COLLINS is and at all times relevant herein, a citizen of the United States and a resident of Bronx County in the State of New York and brings this cause of action pursuant to 42 United States Code, Section 1983 and 42 United States Code, Section 1988.

26. Defendant CITY OF NEW YORK is a municipality duly incorporated under the

laws of the State of New York.

27. On or about October 4, 2006, the Defendants while effectuating the arrest of Plaintiff RAHMEL COLLINS did falsely arrest him without the benefit of an arrest warrant nor did they have probable cause to arrest him or search and seize him.

28. The above action of the defendants resulted in the Plaintiff being deprived of the following rights under the United States Constitution:

- a. The freedom from the use of excessive and unreasonable force;
- b. Freedom from summary punishment;
- c. Freedom from cruel and inhuman punishment;
- d. Freedom from illegal arrest and search and seizure of her person;
- e. Freedom from malicious prosecution.

29. The Defendants subjected the Plaintiff to such deprivations either in a malicious or reckless disregard of the Plaintiff's rights.

30. The direct and proximate result of the Defendant's acts are that the Plaintiff has suffered severe and permanent injuries of both a physical and psychological nature.

AS AND FOR AN EIGHTH CAUSE OF ACTION

31. Plaintiff hereby incorporates, repeats, reiterates, and alleges all of the allegations of Paragraphs "1" through "30" with full force and effect as if fully set forth herein at length.

32. Defendants, P.O. RICARDO BOCACHICA SH # 20464 and other UNNAMED P.O./DETS OF THE NEW YORK CITY POLICE DEPARTMENT., did violate the Plaintiff RAHMEL COLLINS constitutional rights to be free from unreasonable search and seizures of the Plaintiff RAHMEL COLLINS person as stated in Article One, Section Twelve of the New York State Constitution, by their unlawfully seizing, searching and arresting the Plaintiff.

33. Solely as a result of the wrongful, unlawful, malicious and negligent action of the Defendant, THE CITY OF NEW YORK, through its agents, servants and/or employees, the

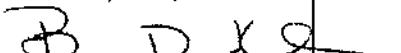
Plaintiff was caused to suffer permanent bodily and mental injuries, was sick, suffered grievous harm and embarrassment, was subjected to scorn and ridicule.

34. The amount of damage sought in this action exceeds the jurisdictional limit of all Courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiff demands judgment against Defendants, on the First Cause of Action in a sum that exceeds the jurisdiction of all lower Courts that could otherwise have jurisdiction; on the Second Cause of Action in a sum that exceeds the jurisdiction of all lower Courts that could otherwise have jurisdiction; on the Third Cause of Action in a sum that exceeds the jurisdiction of all lower Courts that could otherwise have jurisdiction; on the Fourth Cause of Action in a sum that exceeds the jurisdiction of all lower Courts that could otherwise have jurisdiction; on the Fifth Cause of Action in a sum that exceeds the jurisdiction of all lower Courts that could otherwise have jurisdiction; on the Sixth Cause of Action in a sum that exceeds the jurisdiction of all lower Courts that could otherwise have jurisdiction; on the Seventh Cause of Action in a sum that exceeds the jurisdiction of all lower Courts that could otherwise have jurisdiction; on the Eighth Cause of Action in a sum that exceeds the jurisdiction of all lower Courts that could otherwise have jurisdiction;

Dated: BRONX, NEW YORK
August 23, 2007

Yours, etc.,



BRUCE D. KLEIN, ESQ.
Attorney for Plaintiff
Office & P.O. Address
888 Grand Concourse Suite 1-0
Bronx, New York 10451
(718) 401-2600

STATE OF NEW YORK }
COUNTY OF BRONX } ss.:
}

RAHMEL COLLINS, being duly sworn, states that he is the plaintiff in the action and that the foregoing complaint is true to his own knowledge, except as to matters therein stated to be alleged on information and belief and to those matters he believes it to be true.


RAHMEL COLLINS

Sworn to me this
24 day of AUGUST 2007.
Bruce D. Klein
Notary Public

Notary Public, State of New York
No. 02KL8028241
Qualified In Rock County
Commission Expires 07/26/2019

INDEX NO.: _____
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other UNNAMED P.O./DETS OF THE NEW YORK CITY POLICE DEPARTMENT ,
Defendant(s).

SUMMONS and
VERIFIED COMPLAINT

BRUCE D. KLEIN
Attorney for Plaintiff
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888 GRAND CONCOURSE STE. 1-O
BRONX, NEW YORK 10451
(718) 401-2600

TO: Michael Cardozo, Esq.
Corporation Counsel
100 Church Street
New York, New York 10007

Service of a copy of the within

is hereby admitted.

Dated, N.Y.,

Attorney(s) for

Sir: - Please take notice
NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named court on

200

NOTICE OF SETTLEMENT

that an _____ of which the within is a true copy will be presented for
settlement to the _____ one of the judges of the within

New York

named court, at the _____

on 200 at A.M.

Dated, , 200

Yours, etc.

BRUCE D. KLEIN

To:

Attorneys for

Rahmel Collins, Plaintiff
Office and Post Office Address
888 Grand Concourse Ste. 1-O
Bronx, New York 10451
(718) 401-2600

Attorney(s)